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EPA Region 5 Records Ctr.



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Via Facsimile: 312.886.0747 & U.S. Mail

Thomas J. Krueger, Associate Regional Counsel
Office of the Regional Counsel
U.S. Environmental Protection Agency, C-14J
77 W. Jackson Blvd.
Chicago, IL 60604

Re: EPA Investigation of Ellsworth Industrial Park, Downers Grove, Illinois

Mr. Krueger:

We represent Ames Supply Co., which is one of the companies that your office has designated as a PRP in connection with the captioned matter.

At the conclusion of the meeting that EPA conducted with PRPs on August 19, 2002, USEPA distributed copies of:

1. Draft Report entitled "Ellsworth Industrial Park Site f/k/a Downers Grove Groundwater Assessment - PRP Response Summary Table," which also is labeled "Enforcement Confidential;" and
2. Phase II Site Assessment Report regarding Ellsworth Industrial Park, prepared for USEPA by Weston Solutions, Inc.

Each of these reports contains certain errors regarding Ames that should be corrected to assure that USEPA is not proceeding on the basis of, and is not disseminating, false information about Ames. These are as follows:

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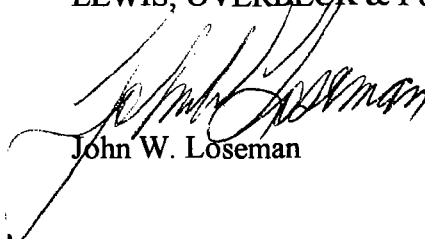
- A. In the section of the Summary entitled Use/Generation of Chlorinated Solvents, the report states that chlorinated solvents were observed in the expansion joints of the concrete floor of Ames' facility. This has never been established. The statement apparently is based on the opinion in a private Phase I assessment that something that smelled like a chlorinated solvent could be within the expansion joints. No tests ever confirmed this "smell" opinion. EPA's former project manager, Steve Faryan, inspected the premises and never thought it necessary to test the expansion joints.
- B. The Phase II Report indicates that Ames was a large-quantity generator of hazardous waste. This is wrong. Ames does not generate, and never has generated, anywhere near 2,200 pounds of hazardous waste per month.
- C. The Phase II Report also indicates that "heavy staining" was present on the floor of Ames' facility, which statement also appears to be based on an opinion in a private Phase I assessment. USEPA's Phase II, however, wrongly implies that such "staining" is related to the alleged contamination of floor joints. And it also leaves out the remainder of the underlying private Phase I assessment that the staining appears to be oil.

Please mark your records to correct these inaccuracies, and take appropriate steps to prevent their being disseminated. As you know, misstatements of this type in a situation of this type can have significant negative ramifications for Ames, which did not cause or contribute to any contamination in the Ellsworth Industrial Park or in Downers Grove.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

LEWIS, OVERBECK & FURMAN



John W. Loseman

JWL:jm

cc: Robert Hildebrandt (via fax)

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